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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,552	08/28/2003	Carl F. Oresick	D/A2328	7596

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EXAMINER

HUYNH, CONG LAC T

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,552

Applicant(s)

ORESICK ET AL.

Examiner

Cong-Lac Huynh

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 58-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 58-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: amendment after final filed 8/15/06 to the application filed on 8/28/03.
2. Claims 1-57 are canceled.
3. Claims 58-63 are pending in the case. Claim 59 is the independent claim.
4. All objections and rejections regarding claims 1-57 have been withdrawn.
5. The indicated allowability of claim 59 is withdrawn in view of the newly discovered reference(s) to Ramaley et al. (US 2002/0143691), Hadfield et al. (US 2004/0205653). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 59-63 are rejected under 35 U.S.C. 102(a) as being anticipated by Ramaley et al. (US 2002/0143691, 10/3/02).

Regarding independent claim 59, Ramaley discloses:

- receiving the document, the document comprising a document distribution job information ([0008]-[0009]: a document included in a file comprising the recipient email address for the document is received to be sent to a reviewer)

Art Unit: 2178

- scanning the document to provide the document distribution job information ([0008]-[0009]: sending the document to a reviewer by email implies that the system has to scan the document for the reviewer email address, which is the document distribution job information)
- distributing the document based on the document distribution job information to one or more recipients ([0009]-[0010]: sending the document based on the reviewer email address)
- subsequent to distributing the document, receiving the document as such document is returned from at least one recipient of the one or more recipients, where the document that is received as being returned from the at least one recipient includes information that has been modified by at least one recipient ([0019]-[0022]: document is modified by the reviewers and the modified document is returned to the author)

Regarding claim 58, which is dependent on claim 59, Ramaley discloses providing the document to the document distributing apparatus by means of the communication network ([0009]-[0010]: distributing the document via emailing shows that distributing is performed by means of the communication network).

Regarding claim 60, which is dependent on claim 59, Ramaley discloses determining when the current document distribution job is complete, such determining when the current document distribution job is complete including determining when the document

has been received from all recipients of the one or more recipients ([0014]-[0015]: determining whether the document is mergeable before reviewing the document implies that when determining the document distribution job is complete, and the reviewer, which is the receiver, starts to examine the received document after distributing job is complete).

Regarding claim 61, which is dependent on claim 60, Rameley discloses returning the document to the originator when it is determined the document distribution job is complete ([0020]-[0022]).

Regarding claim 62, which is dependent on claim 60, Rameley discloses that when it is determined that the current document job is not complete, continue to distribute the document ([0014]: the document is distributed to all the reviewers, that means to from the first reviewer to the last reviewer).

Regarding claim 63, which is dependent on claim 62, Auglin discloses continuing to distribute the document to the remaining recipient or recipients of the one or more recipients ([0014]: distributing the document to all reviewers, that means the distributing process remains till to the last reviewer).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 57-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auglin as applied to claim 1 above, and further in view of Hadfield et al. (US 2004/0205653, filed 12/17/01).

Regarding independent claim 59, Auglin discloses:

- receiving the document, the document comprising a document distribution job information (figure 3, col 4, line 39 to col 5, line 9)

- scanning the document to provide the document distribution job information (col 4, lines 48-67)
- distributing the document based on the document distribution job information to one or more recipients (col 5, lines 1-31: transmitting the document via the network computer over the Internet to one or more recipients based on the information on the cover sheet)
- subsequent to receiving the document, returning the document to the document distributing apparatus (col 5, lines 31-40)

Auglin does not disclose that the document that is received as being returned from the at least one recipient includes information that has been modified by the at least one recipient.

Hadfield discloses sending a document to the collaborators or contributing authors for reviewing, these contributing authors, when receiving the document, will propose changes and add comment to the document and return the modified document to the sender ([0009]-[0010], [0013]-[0015]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Hadfield into Auglin since modifying the received document and returning the modified document to the sender in Hadfield would provide the advantage to incorporate into distributing a document to a recipient in Auglin for allowing the recipient to modify the received document with comments or changes and send back such a document to the distributor.

Art Unit: 2178

Regarding claim 58, which is dependent on claim 57, Auglin discloses the document is received from the originator by means of the communication network (Auglin: figures 2 and 3; Hadfield: [0007]).

Regarding claim 60, which is dependent on claim 57, Auglin discloses determining when the current document distribution job is complete, such determining when the current document distribution job is complete including determining when all recipients of the one or more recipients have returned the document to the document distributing apparatus (col 5, lines 18-36).

Regarding claim 61, which is dependent on claim 60, Auglin discloses returning the document to the originator by the document distributing apparatus when it is determined the document distribution job is complete (col 5, lines 22-39).

Regarding claim 62, which is dependent on claim 60, Auglin discloses that it is determined that the current document job is not complete, continue to distribute the document (col 5, lines 22-30, col 6, lines 40-54).

Regarding claim 63, which is dependent on claim 60, Auglin discloses continuing to distribute the document to the remaining recipient or recipients of the one or more recipients (col 5, lines 22-30, col 6, lines 40-54).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Meding (US 6,647,156).

Shibata (US 5966718).

Fein et al. (US 5,940,847).

Ballance et al. (US 2002/0083103).

Krutsch et al. (US 2004/0199922).

Shapiro et al. (US 2005/0075544).

Weatherley et al., Partnership Reviewing: A Cooperative Approach for Peer Review of Complex Educational Resources, ACM 2002, pages 106-114.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-4125. The examiner can normally be reached on Mon-Thurs (9:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cong-Lac Huynh
Primary Examiner
Art Unit 2178
08/21/06